

Atty. Dkt. No. 040679-1390

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Masanori NAKAMURA et al.

Title: EXHAUST GAS PURIFYING CATALYST AND METHOD OF
PRODUCING SAME

Appl. No.: 09/985,793

Filing Date: November 6, 2001

Examiner: W. Langel

Art Unit: 1754

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(c), before the mailing date of either a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application.

RELEVANCE OF EACH DOCUMENT

Documents A1-A4 on the attached PTO/SB/08 were cited as being relevant during the prosecution of a counterpart Japanese patent application. An English translation of the foreign-language documents is not readily available. However, the absence of such translation does not relieve the PTO from its duty to consider the submitted foreign language documents (37 CFR §1.98 and MPEP §609). English language abstracts of the foreign language documents are provided for the Examiner's convenience.

A translation of a portion of a Japanese Office Action that issued June 21, 2004, with respect to a counterpart Japanese patent application, is provided below:

Claims 1-7

References 1 and 2

Remarks

References 1 and 2 disclose a catalyst for exhaust gas purification of a similar structure.

(Ref. 1: Refer to Claims 1, 2 and 7, etc., Paragraphs [0001], [0004], [0016]-[0018], [0021]-[0025], [0037], [0038], etc. [0021] teaches that outer layer contains higher amount of ceria than the inner layer.

Ref. 2: Refer to Scope of Claims, Paragraphs [0011]-[0013], [0017], [0020] -[0024], etc. It is cited that NO_x occluded element can differ in the upper layer from the lower layer.)

Claim 8

Reference 3 and 4

Remarks

References 3 and 4 teach that a catalyst layer containing a noble metal, alkaline earth metal, rare earth metal or alumina wraps over the catalyst carrier to decrease the offset of catalyst composition

(Ref. 3: Refer to Claim 1, page 3, upper left column, line 8- lower left column, line 4, page 4, upper left column, line 12-page 5, upper

right column, line 3, Embodiments, etc. Ref. 4: Refer to Scope of Claims, page 1, lower right column, line 2- page 2, upper right column line 13, Embodiments, etc.)

Claims 9-11

References 1-4

Remarks

Reference 4 teaches a manufacturing method for a catalyst similar to Claim 11 (Refer to Scope of Claims, etc.).

It is known in the art to make the particle diameter small.

Index of Cited References

1. JP 09-327624
2. JP 09-253454
3. JP 04-131140
4. JP 60-099340

Applicant's statements regarding the Japanese Office Action are based on a partial translation that Applicant's representative obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Japanese Office Action.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

STATEMENT

The undersigned hereby states in accordance with 37 CFR §1.97(e)(1) that each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to filing of this Statement.

The undersigned hereby states in accordance with 37 CFR §1.704(d) that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR §1.56(c) more than thirty days prior to the filing of the information disclosure statement.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date

July 19, 2004

By

Thomas G. Bilodeau

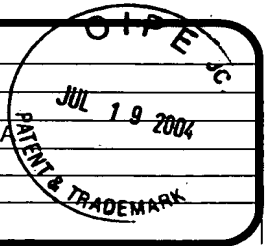
FOLEY & LARDNER LLP
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5143
Telephone: (202) 672-5414
Facsimile: (202) 672-5399

Richard L. Schwaab
Attorney for Applicant
Registration No. 25,479

Thomas G. Bilodeau
Attorney for Applicant
Registration No. 43,438

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: July 19, 2004 <i>(use as many sheets as necessary)</i>				Complete if Known	
		Application Number	09/985,793		
		Filing Date	11/06/2001		
		First Named Inventor	Masanori NAKAMURA		
		Group Art Unit	1754		
		Examiner Name	W. Langel		
		Attorney Docket Number	040679-1390		
Sheet	1	of	1		



U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Office ³	Number ⁴	Kind Code ⁵ (if known)			
	A1	JP	09327624		ICT:KK Internatl Catalyst Technol Inc	12-22-1997	
	A2	JP	09253454		Toyota Motor Corp	09-30-1997	
	A3	JP	04131140		N E Chemcat Corp	05-01-1992	
	A4	JP	60099340		Nissan Motor Co Ltd	06-03-1982	

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶

Examiner Signature	Date Considered	
-----------------------	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.